

REMARKS

Claims 1-10 are currently pending. No claims have been amended.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Specifically, the Examiner stated that she was unable to find the term “directly” in the specification. The Applicant respectfully directs the Examiners attention to the following:

- Page 10, lines 23-25;
- Page 13, lines 9-10;
- Page 25, lines 12-15;
- Page 25, lines 24-26;
- Page 33, lines 23-24; and
- Page 35, lines 23-25.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-4 and 6-10 under 35 U.S.C. § 102(e) as being anticipated by Duhaylongsod (U.S. Patent No. 6,414,018. The Applicant respectfully traverses this rejection.

The Examiner stated that Duhaylongsod teaches vagal nerve stimulation to adjust the heart to a first condition. The Applicant respectfully disagrees. Duhaylongsod teaches first administering a composition to create a reversible ventricular asystole, and then pacing the heart to maintain circulation. In contrast, claim 1 of the present invention recites first stimulating a nerve to adjust the beating of a heart to a first condition, and then, to deliver a

vasodilator substance while the beating of the heart is in the first condition. That is, Duhaylongsod controls the reversible ventricular asystole via compounds (drugs) and paces the heart. In contrast, the present invention controls the first condition (e.g., asystole) via stimulation and then administers compounds (drugs).

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claim 5, under 35 U.S.C. § 103 as being unpatentable over Duhaylongsod in view of Maroko (U.S. Patent No. 5,153,178. The Examiner stated that Duhaylongsod disclosed the claimed invention except for epinephrine, which the Examiner stated was taught by Maroko.

For the reasons presented above, the Applicant respectfully submits that Duhaylongsod does not disclose the present claimed invention, and accordingly, the addition of Maroko does not obviate claim 5.

Objection to the last Amendment

The Examiner objected to the last amendment stating that it introduces new matter – specifically the term “directly”. For the reasons set forth above in connection with the 35 U.S.C. § 112 rejection, the Applicant respectfully submits that claim 1 is fully supported by the specification and no new matter was added.

Conclusion

In view of the foregoing, entry of this Amendment After Final Rejection is proper since this Amendment is believed to clearly place the application in condition for allowance. Favorable reconsideration and prompt allowance are requested. The Commissioner is hereby authorized to grant any extensions of time and to charge any fees under 37 C.F.R. § 1.16 and § 1.17 that may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 502091.

The Examiner is invited to telephone the undersigned to advance prosecution.

Respectfully submitted,

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